

PATENT
674556-2003.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : CHOY and BAI
Serial No. : 10/024,658
For : FILM COATING DEPOSITION AND POWDER FORMATION
Filed : December 17, 2001
Examiner : Frederick John Parker
Art Unit : 1762

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(Signature of person mailing paper or fee)

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is being filed in response to the July 15, 2005 Office Action, that rejected claims 37-72 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of U.S. Patent No. 6,331,330 ("the '330 patent") in view of EP 0 252 755, and that rejected claims 37 and 39-48 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 18 and 23-27 of U.S. Patent No. 6,296,910 ("the '910 patent") in view of EP 0 252 755.

This Terminal Disclaimer serves to obviate the double patenting rejections of the present application and place the application in condition for allowance. Enclosed herewith is a check in the amount of \$65.00 in payment of the required fee therefore by a small entity.

Accordingly, entry of this Terminal Disclaimer, reconsideration and withdrawal of the rejections of the application, and prompt issuance of a Notice of Allowance are respectfully requested.

For the purposes of expediting prosecution, without any admission, without any prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents, a Terminal Disclaimer as to the '330 patent and the '910 patent is herewith provided as follows:

I, Thomas J. Kowalski, declare that I am the attorney of record and that I am authorized to execute terminal disclaimers on behalf of Innovative Materials Processing Technologies Limited ("Innovative Materials"), the assignee of the above-captioned application ("the present application"), U.S Patent No. 6,331,330 ("the '330 patent) and U.S. Patent No. 6,296,910 ("the '910 patent");

That Innovative Materials has a place of business at 90 Fetter Lane, London, Great Britain EC4A

That Innovative Materials is the assignee of the entire right, title and interest in, to and under U.S. Patent application Serial No. 10/024,658, filed December 17, 2001 (the present application) as a continuation of U.S. Application Serial No. 09/091,456, filed June 15, 1998, now U.S. Patent No. 6,331,330 ("the '330 patent"), by virtue of the assignments from the inventors as set out at Reel 009672 and Frame 0589 and at Reel 012173 and Frame 0463, where said assignments were recorded at the U.S. Patent and Trademark Office on December 28, 1998 and September 17, 2001, respectively;

That Innovative Materials is the assignee of the entire right, title and interest in, to and under U.S. Application Serial No. 09/091,456, filed June 15, 1998, now U.S. Patent No. 6,331,330 ("the '330 patent"), by virtue of the assignments from the inventors as set out at Reel 009672 and Frame 0589 and at Reel 012173 and Frame 0463, where said assignments were recorded at the U.S. Patent and Trademark Office on December 28, 1998 and September 17, 2001, respectively;

That Innovative Materials is the assignee of the entire right, title and interest in, to and under U.S. Application Serial No. 09/449,069, filed November 24, 1999, now U.S. Patent No. 6,296,910 ("the '910 patent"), by virtue of the assignments from the inventors as set out at Reel 010679 and Frame 0250 and at Reel 012223 and Frame 0826, where said assignments were recorded at the U.S. Patent and Trademark Office on April 10, 2000 and September 28, 2001, respectively;

That Innovative Materials hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of the '330 patent or the '910 patent;

That Innovative Materials hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '330 patent and the '910 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '330 patent or the '910 patent, in the event that said '330 patent or said '910 patent earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

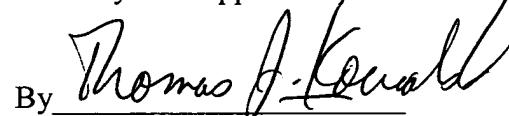
In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignee, states that Innovative Materials, is the assignee of the entire right, title and interest in the patents and patent application identified above (the present application, the '330 patent and the '910 patent) by virtue of the assignment identified above.

And thus, that the undersigned has reviewed documents in the chain of title of the patent and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

Reconsideration and withdrawal of the double patenting rejection, consideration and entry of this paper and recordal of this Terminal Disclaimer, and reconsideration and withdrawal of the double patenting rejections of the Office Action, and prompt issuance of a Notice of Allowance, are all respectfully requested; with any additional fee therefor or any overpayment in such fees, to be charged or credited to Deposit Account No. 50-0320.

Respectfully submitted,

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